

## REMARKS

This application has been carefully reviewed in light of the Office Action dated February 22, 2008. Claims 1, 3, 8, 29 to 32 and 34 are pending in the application, with Claims 28 and 33 having been canceled. Claims 1 and 30 are the independent claims herein. Reconsideration and further examination are respectfully requested.

Claims 1, 3, 28, 30, 31 and 33 were rejected under 35 U.S.C. § 102(e) over U.S. Publication No. 2002/0144276 (Radford), and Claims 8, 29, 32 and 34 were rejected under 35 U.S.C. § 103(a) over Radford in view of U.S. Patent No. 7,058,721 (Ellison). The rejections are respectfully traversed and it is requested that the Examiner reconsider and withdraw the rejections in light of the following comments.

The invention of amended independent Claims 1 and 30 essentially incorporates the subject matter of Claims 28 and 33, respectively. Thus, in the invention, the receiving apparatus determines an optimum transmission mode for the image data based on a number of factors and notifies the transmitting apparatus of the a requested transmission mode. In particular, the receiving apparatus receives transmission mode information as to a plurality of transmission modes of the transmitting apparatus, where the transmission mode information includes different combinations of pixel number information and transmission rate information. The receiving apparatus also receives a broadcast signal and thereafter derives event information including at least size information of a display area in which an image is displayed based on the image data. The receiving apparatus then selects one transmission mode based on size information of a display area in which an image is displayed, and based on the pixel number information and the transmission rate information in the transmission mode information. The receiving

apparatus then automatically selects one transmission mode based on the size information in the event information, and based on the pixel number information and transmission rate information, and generates a signal for requesting the transmitting apparatus to transmit the image data in the pixel number and the transmission rate corresponding to the selected transmission mode, and transmits the generated signal to the transmitting apparatus.

With specific reference to the claims, independent Claim 1 is directed to a receiving apparatus, comprising a reception unit constructed to receive image data transmitted through a network different from a broadcast network, and to receive transmission mode information as to a plurality of transmission modes of a transmitting apparatus in transmitting the image data, the transmission mode information including different combinations of pixel number information and transmission rate information, an output unit constructed to output the image data received by said reception unit to a display apparatus, a broadcast signal receiving unit constructed to receive a broadcast signal, wherein the broadcast signal receiving unit derives, from the broadcast signal, event information including at least size information of a display area in which an image is displayed based on the image data, and a control unit for automatically selecting one transmission mode from the transmission mode information based on the size information in the event information, of the display area in which the image is displayed based on the image data, and based on the pixel number information and the transmission rate information in the transmission mode information, and generating a signal for requesting the transmitting apparatus to transmit the image data in the pixel number and the transmission rate corresponding to the selected transmission mode, and transmitting the generated signal to the transmitting apparatus.

Claim 30 is a method claim for the receiving apparatus of Claim 1.

The applied art, alone or in any permissible combination, is not seen to teach the features of independent Claims 1 and 30, and in particular, is not seen to disclose or to suggest a receiving apparatus having i) a reception unit constructed to receive image data transmitted through a network different from a broadcast network, and to receive transmission mode information as to a plurality of transmission modes of a transmitting apparatus in transmitting the image data, the transmission mode information including different combinations of pixel number information and transmission rate information, ii) a broadcast signal receiving unit constructed to receive a broadcast signal, wherein the broadcast signal receiving unit derives, from the broadcast signal, event information including at least size information of a display area in which an image is displayed based on the image data, and iii) a control unit for automatically selecting one transmission mode from the transmission mode information based on the size information in the event information, of the display area in which the image is displayed based on the image data, and based on the pixel number information and the transmission rate information in the transmission mode information, and generating a signal for requesting the transmitting apparatus to transmit the image data in the pixel number and the transmission rate corresponding to the selected transmission mode, and transmitting the generated signal to the transmitting apparatus.

Radford discloses at a paragraph (0016) a system and method of delivery of a stream data to a client device through a communication network. And, as the client device, a digital television may be used. The Office Action points out that, when the reception unit of previously-presented claim 28 is changed into a broadcast signal

receiving unit, the claimed invention would be the same as that of Radford. However, according to amended claim 1, a reception unit and a broadcast signal receiving unit are different from each other.

Moreover, the Office Action points out that the “event information including at least the size information of the display area” is disclosed in paragraph (0031) of Radford. However, paragraph (0031) of Radford discloses that, when the stream data is a video data, the user uses an interface to change the image size, a resolution or bit rate, to adjust a quality level of the stream data. This adjusting processing is also disclosed in paragraph (0025) therein. That is, Radford discloses that, by using the interface for viewing or handling the stream data, the user adjusts the quality level. However, Radford neither discloses nor suggests that the receiving apparatus receives event information including at least the size information of the display area from a broadcasting signal, and according to the size information received and to pixel number information and transfer rate information contained in the transfer mode information, the transfer mode is automatically selected from the transfer mode information like the present invention.

Further, in the invention, the reception unit is one for receiving the image data and the transmission mode information from a network different from one for broadcasting. And, the broadcast signal receiving unit is one for receiving the broadcast signal including the event information. When the client device of Radford is a digital television, the digital television can receive from the network an interface and the stream data. And, since the client device is the digital television, it is expected to receive the broadcast signal. However, Radford fails to disclose receiving the event information from the broadcast signal including at least size information of the display area. Accordingly, it

cannot be suggested or deduced from Radford to automatically select the transmission mode from the transmission mode information, according to the size information contained in the event information and to the pixel number information and the transmission rate contained in the transmission mode information according to the present invention.

Accordingly, Claims 1 and 30 are not believed to be anticipated by Radford.

Ellison has been studied but is not seen to make up for the deficiencies of Radford. In this regard, Ellison is merely seen to teach dynamically changing the quality of a video stream. However, Ellison is not seen to teach anything that, when combined with Radford, would have resulted in the receiving apparatus of the invention.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,  
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